

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JERMAINE BOYKIN,

Plaintiff,

v.

**COUNTY OF WESTCHESTER,
LEMAR JOHNSON, INDIVIDUALLY,
MONIQUE LUCKETT-CUMMINGS,
INDIVIDUALLY, AND
JOHN AND JANE DOE 1 THROUGH 10,
INDIVIDUALLY,**

Civil No.: 7:24-cv-02865-NSR

Defendants.

SUGGESTION OF BANKRUPTCY AND NOTICE OF STAY

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Monique Lockett-Cummings, employee/agent of debtor Wellpath LLC or its affiliates (collectively, the “Debtor”), a defendant in the above-captioned proceeding, files this Suggestion of Bankruptcy and Notice of Stay and would respectfully show the Court the following:

1. On November 11, 2024 (the “Petition Date”), the Debtor filed a *Voluntary Petition for Non-Individuals Filing Bankruptcy* (the “Voluntary Petition”) for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of Texas (Houston Division) (the “Bankruptcy Court”), commencing Case No. 24-90533. A copy of the Voluntary Petition is attached hereto as **Exhibit A**.

2. Pursuant to section 362 of the Bankruptcy Code, the filing of the Voluntary Petition operates as a stay of:

USDC SDNY
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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/25/2024

- a. “[T]he commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the [D]ebtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the [D]ebtor that arose before the commencement of the case under this title;
- b. [T]he enforcement, against the [D]ebtor or against property of the estate, of a judgment obtained before the commencement of the case under this title;
- c. [A]ny act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate;
- d. [A]ny act to create, perfect, or enforce any lien against property of the estate;
- e. [A]ny act to create, perfect, or enforce against property of the [D]ebtor any lien to the extent that such lien secures a claim that arose before the commencement of the case under this title;
- f. [A]ny act to collect, assess, or recover a claim against the [D]ebtor that arose before the commencement of the case under this title;
- g. [T]he setoff of any debt owing to the [D]ebtor that arose before the commencement of the case under this title against any claim against the [D]ebtor; and
- h. [T]he commencement or continuation of a proceeding before the United States Tax Court concerning a tax liability of a debtor that is a corporation for a taxable period the bankruptcy court may determine or concerning the tax liability of a debtor who is an individual for a taxable period ending before the date of the order for relief under this title.”

11 U.S.C. § 362(a).

3. In addition, on November 12, 2024, the Bankruptcy Court entered an *Amended Interim Order Enforcing the Automatic Stay* [Docket No. 69] (the “Stay Order”), pursuant to which the above-captioned proceeding, among other lawsuits filed as of the Petition Date in which a Debtor is named as one of the defendants therein, is stayed in its entirety, including the plaintiff’s claims against the non-Debtor defendants, on an interim basis pursuant to section 362 of the Bankruptcy Code. A copy of the Stay Order is attached hereto as **Exhibit B**.

4. As a result of the operation of the automatic stay, all parties are stayed from any further continuation of these proceedings until such time as the Bankruptcy Court may order otherwise.

5. The automatic stay has not been lifted or otherwise modified; the automatic stay referenced above remains in effect.

6. The Debtor reserves its right to bring an action in the Bankruptcy Court for any violation of the automatic stay.

WHEREFORE, PREMISES CONSIDERED, the Debtor prays that this Court take notice of the automatic stay and that further action be stayed and for such other and further relief as to which it may be justly entitled.

DATED: November 21, 2024

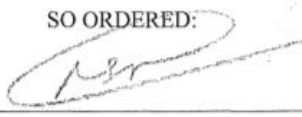
BARCLAY DAMON LLP

By: s/ Paul A. Sanders
Paul A. Sanders

In light of Defendant Monique-Luckett Cummings' filing for bankruptcy, this case is stayed pending resolution of the bankruptcy. Counsel is directed to provide the Court with a written update of the status of the bankruptcy on or before March 27, 2025.

Dated: November 25, 2024
White Plains, NY

SO ORDERED:


NELSON S. ROMÁN
United States District Judge

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